

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:
Tarabichi, Samih

Filing Date: July 24, 2003

Serial No.: 10/626,407

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Examiner: Hoekstra, Jeffrey G.

Art Unit: 3736

Attorney File No.: 8696-1

For: Dynamic Spacer for Total Knee Arthroplasty

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450RECEIVED
CENTRAL FAX CENTER
MAY 01 2006PETITION TO WITHDRAW HOLDING OF ABANDONMENT -
OFFICE ACTION NOT RECEIVED

Sir:

I hereby petition to withdraw the holding of abandonment in this case, on the basis that the Office Action forming the basis of the abandonment was not received.

I hereby state that: (a) the Office Action indicated, as mailed on October 25, 2005, was not received; and (b) a search of the file jacket and the docket records in my office indicates that this Office Action was not received.

I attach a copy of the docket record where the non-received Office Action would have been entered had it been received and docketed. As additional evidence of non-receipt of the Office Action, I also attach a Statement of Warner J. Delaune, Jr. (the undersigned), attesting to the unique facts, i.e. Hurricane Katrina, surrounding the time period when the Office Action was mailed.

In consideration of these submissions, it is respectfully requested that the holding of abandonment be withdrawn, and that the period for response to the Office Action be reset.

Adjustment date: 07/05/2006 CKHLOK
05/02/2006 TL0111 00000069 502413 10626407
01 FC:1462 400.00 CR05/02/2006 TL0111 00000069 502413 10626407
01 FC:1462 400.00 CR

MAY 01 2006

The petition fee (37 C.F.R. § 1.17(f)) of \$400.00 is authorized to be deducted from Deposit Account No. 502413. Please charge any additional fees required by this paper or credit any overpayment in the manner authorized above. A duplicate of this paper is attached.

Respectfully submitted:

ADAMS AND REESE LLP



Warner J. Delaune, Jr., Reg. No. 36,781
450 Laurel Street, Suite 1900
Baton Rouge, LA 70801
Tel: (225) 336-5200
Fax: (225) 336-5220
Email: warner.delaune@arlaw.com

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND					
1 Date of Request: <u>05/01/06</u>		2 Serial/Patent # <u>10/626,407</u>			
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT	
	Filing			\$	
	Amendment			\$	
	Extension of Time			\$	
	Notice of Appeal/Appeal			\$	
<input checked="" type="checkbox"/>	Petition	IFW	05/01/06	\$ 400.00	
	Issue			\$	
	Cert of Correction/Terminal Disc.			\$	
	Maintenance			\$	
	Assignment			\$	
	Other			\$	
			7 TOTAL AMOUNT OF REFUND		\$ 400.00
8 TO BE REFUNDED BY:					
10 REASON:		Treasury Check			
	Overpayment	<input checked="" type="checkbox"/>	Credit Deposit A/C #:		
	Duplicate Payment	9	5	0	--
			2	4	1
			3		
<input checked="" type="checkbox"/>	No Fee Due (Explanation):				
A petition fee is not required for a petition under 37 CFR 1.181 to withdraw the holding of abandonment					
11 REFUND REQUESTED BY:					
TYPED/PRINTED NAME: <u>Charles Steven Brantley</u>		TITLE: <u>Senior Petitions Attorney</u>			
SIGNATURE:		PHONE: <u>571-272-3203</u>			
OFFICE: <u>Office of Petitions</u>					
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****					
APPROVED:		DATE: <u>7/5/06</u>			

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to: